



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

FOR IMMEDIATE RELEASE: August 5, 2008

Contact: Communications Division (619) 235-5725

CITY ATTORNEY INSTRUCTS MAYOR OF LEGAL DUTY TO PROCEED WITH WATER RECYCLING PILOT PROJECT

San Diego, CA—City Attorney Michael Aguirre yesterday told Mayor Jerry Sanders that he has a legal duty to implement a water recycling test project that the San Diego City Council approved last year. The pilot program, Indirect Potable Reuse (IPR), was initially approved by the Council on October 29, 2007. On December 3, 2007, the Council voted to override the Mayor's veto.

"The Mayor doesn't have the option of delaying implementation of the IPR project," remarked City Attorney Aguirre. "He has a legal obligation to perform the duties required of him by ordinance or resolution of the City Council," Aguirre added.

In his memo to the Mayor, the City Attorney raised questions about whether an e-mail sent last year by the Mayor's Office to the Water Department was intentionally seeking to thwart the IPR pilot project. The November 13, 2007 e-mail from Mayoral Communications Director Fred Sainz to Water Department Director Jim Barrett said:

Jim, has the City/Water Department satisfied the preconditions outlined in State of California Health & Safety Code section 116551 regarding preconditions for issuance of a permit to distribute potable reclaimed water? Have we received the kind of permit that is discussed in that section? If not, *this may be a strategy for rationalizing how we can't implement the program.* Let me know. Thanks.

Questions were also raised about the Mayor's close ties with Poseidon Resources, Inc., a company that is proposing to build a water desalination plant in Carlsbad. None of Poseidon's water can be purchased or used by the City of San Diego.

The letter noted that: three officers of Poseidon contributed \$300 each to the Mayor's campaign on March 16, 2006; Tom Shepard, the Mayor's campaign manager, is President of Public Policy Strategies, a lobbying firm that lists Poseidon as a client; City staff's e-mail regarding the IPR Pilot Project and state law was forwarded to Tom Shepard by the Mayor's Office on November 15, 2007; Scott Maloni, the Mayor's Campaign Media Aide, was a Vice-President of Public Policy Strategies and was recently announced as a new Vice-President of Poseidon on June 11, 2008.

###

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at
<http://www.sandiegocityattorney.org>

1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220